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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,471	04/23/2001	Joseph D. Long	2400-663	1934

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EXAMINER

SAN MARTIN, EDGARDO

ART UNIT PAPER NUMBER

2837

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,471

Applicant(s)

LONG ET AL.

Examiner

Edgardo San Martin

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-13 and 30-35 is/are rejected.
- 7) ☒ Claim(s) 7, 8 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1 – 13 and 30 – 36 in Paper No. 6 is acknowledged.

Specification

2. The disclosure is objected to because of the following informalities:
 - On page 2, line 23 the serial number of the copending application is missing;
 - On page 7, line 4, should read - - 14 - - instead of "18";
 - On page 13, line 4 the serial number of the copending application is missing.

Appropriate correction is required.

Claim Objections

3. Claim 3 is objected to because of the following informalities:
 - Claim 3 contains the trademark/trade names Lexan and Plexiglas.
Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph.
See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim

scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe the semi-rigid lens and, accordingly, the identification/description is indefinite.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 6, 13, 30, 32 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Azima et al. (US 2001/0026625).

With respect to Claims 1, 2 and 30, Azima et al. teach a thin speaker, comprising a rigid enclosure (Fig.4, Item 41) having an opening (Fig.4, Item 45) that is smaller in size than the dimensions of the rigid enclosure, a semi-rigid lens (Fig.4, Item 46) placed in the opening, and a magnetic driver (Fig.4, Item 48) inside of the rigid enclosure and attached to the semi-rigid lens wherein the magnetic driver vibrates the semi-rigid lens to create sound, and wherein the magnetic driver further comprises a magnetic coil and a diaphragm attached to the semi-rigid lens (§ [0050]).

With respect to Claims 3 and 4, Azima et al. teach wherein said semi-rigid lens is constructed from a material comprised from the group consisting of plastic, glass, Lexan, and Plexiglas, and wherein the semi-rigid lens is transparent (§ [0048]).

With respect to Claims 5 and 35, Azima et al. teach wherein the rigid enclosure contains a LCD module (Fig.4, Item 51) that is viewable through the semi-rigid lens (§ [0050]).

With respect to Claim 6, Azima et al. teach wherein the semi-rigid lens is attached to the rigid enclosure (Fig.4; § [0050]).

With respect to Claims 13 and 32, Azima et al. teach wherein his display could be used in ATM's and vending machines, it is inherent that if the display is used in these types of applications, the display enclosure is environmentally-sealed because is typical to place these type of machine in places where could be subject to environmental occurrences.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 – 12 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azima et al. (US 2001/0026625) in view of Bertagni et al. (US 5,693,917).

With respect to Claims 9 and 31, Azima et al. teach the limitations discussed in the previous rejections, but fail to disclose the speaker system further comprising a mounting bracket for attaching the magnetic driver to the semi-rigid lens.

On the other hand, Bertagni et al. teach a planar speaker comprising a mounting bracket (Fig.1, Item 22) for attaching a magnetic driver (Fig.1, Item 18) to diaphragm (Fig.1, Item 12).

It would have been obvious to a person with ordinary skill in the art to employ the Bertagni et al. mounting bracket to attach the Azima et al. driver to the semi-rigid lens because the mounting bracket would permit the attachment of the driver to the semi-rigid lens in a manner that would permit the semi-rigid lens to freely vibrate and function as a speaker diaphragm or acoustic radiator.

With respect to Claim 10, Bertagni et al. teach wherein the mounting bracket is rectangular in shape and has a left end and a right end and the magnetic driver is attached in between the left end and the right end (Fig.1).

With respect to Claim 11, Bertagni et al. teach wherein the mounting bracket is attached to a diaphragm for increased vibration of the diaphragm for increased sound volume (Col.3, Lines 11 – 48).

With respect to Claim 12, Bertagni et al. teach wherein the mounting bracket is attached to the diaphragm (Fig.1).

6. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azima et al. (US 2001/0026625) in view of Applicant's admitted prior art.

Azima et al. teach the limitations discussed in the previous rejections, but fail to disclose the rigid enclosure being attached to a kiosk.

Nevertheless, the Applicant's admitted prior art teaches the use of speaker systems in fuel dispenser, ATM or similar electronic devices (§ [0003]).

It would have been obvious to a person with ordinary skill in the art to employ the Azima et al. speaker design in a kiosk, ATM or fuel dispenser as suggested by admitted prior art because it would facilitate the intention to communicate a message to an user of the electronic device, increasing the performance of the system.

Allowable Subject Matter

7. Claims 7, 8 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

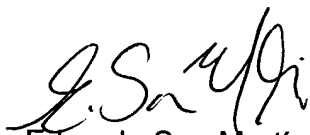
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kam teaches a transparent panel-form loudspeaker, Lipponen et al. teach an audio transducer, Toki teaches a piezoelectric diaphragm and piezoelectric speaker, Roy et al. teach a flat panel sound radiator and assembly system, Lamm et al. teach a plenum mounted, flat panel masking loudspeaker system, Bertagni teaches an integrated sound and video screen, Hill teaches an acoustic transducer, Lipponen et al. teach an audio transducer and audio visual device, Matsuo teaches a speaker device, Toyoda teaches a transparent speaker, Takashima teaches a speaker, and Saiki et al. teach a speaker system, mobile terminal device and electronic device.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (703) 308-1050. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on (703) 308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.



Edgardo San Martín
Patent Examiner
Art Unit 2837
Class 181
September 7, 2003